



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

**COMMISSION ADJUDICATORY
DOCKET NO. 606**

**IN THE MATTER
OF
PATRICIA A. DOYLE**

DISPOSITION AGREEMENT

The State Ethics Commission ("the Commission") and Patricia A. Doyle ("Doyle") enter into this Disposition Agreement ("Agreement") pursuant to Section 5 of the Commission's Enforcement Procedures. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, §4(j).

On May 12, 1999, the Commission initiated, pursuant to G.L. c. 268B, §4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Doyle. The Commission has concluded its inquiry and, on December 15, 1999, found reasonable cause to believe that Doyle violated G.L. c. 268A.

The Commission and Doyle now agree to the following findings of fact and conclusions of law:

1. Doyle was, during the time relevant, an elected member of the Weymouth Park Commission. As such, Doyle was a municipal employee as that term is defined in G.L. c. 268A, §1.
2. The Park Commission is responsible for overseeing the Parks and Recreation Department ("the Parks Department") for the town of Weymouth. The Park Commission has the authority to hire and fire all Parks Department employees. The Park Commission also has the authority to recommend salaries and personnel changes for the Parks Department staff.
3. In 1998, Doyle's brother Mike ("Mike") was the park ranger for the Parks Department; he worked at the town-owned Great Esker Park and was then at the top step of his pay scale, with an annual salary of about \$36,000. The Park Commission had appointed Mike to his position about ten years earlier.
4. In January 1998, the Park Commission began discussing a number of personnel issues regarding the Parks Department staff. Among their concerns were expanding Mike's duties and increasing his compensation. Ultimately, the Park Commission decided to recommend to the town that two new positions be created. One new position was recreation coordinator. The other position was essentially a reclassification of Mike's park ranger position, to be called park superintendent. The park superintendent position was intended to incorporate Mike's duties as park ranger and utilize Mike's other abilities, while appropriately compensating him therefor. Thus, the intent behind the reclassification was to promote Mike from park ranger to park superintendent.

5. Doyle spoke at the January 13, 1998 meeting of the Park Commission when the Commission began discussing these personnel changes. Doyle emphasized that they would need to justify their presentation before the personnel board and appropriation committee, because the Park Commission did not make very good presentations to the town boards and, as a result, did not always get what it wanted.

6. At its January 19, 1998 meeting, the Park Commission, including Doyle, again discussed the personnel changes. Doyle stated that she supported the new recreation coordinator position; she also supported informational talks first, so that they could convince the personnel board to agree to the positions requested. There was further discussion on presentation strategy. The chair felt that the recreation coordinator position was more saleable to the town than the park superintendent position; he was also in favor of combining the park ranger and park superintendent into one position, setting it at Level 12.

7. At the meeting, Doyle then moved to create the position entitled “park superintendent” which would include the duties of park ranger, with the pay scale set at Level 12. The motion passed unanimously. Another commissioner then moved to establish the position of full-time “Recreation Coordinator,” also Level 12. Before voting on the motion, the Commission discussed reclassification “which would allow the Board to hire from within.” The motion passed unanimously.

8. On January 27, 1998, the Park Commission reviewed draft job descriptions for the coordinator and superintendent positions. The Commission (including Doyle) voted unanimously to approve the job descriptions.

9. On March 17, 1998, the personnel board met with members of the Park Commission (including Doyle) to discuss the Park Commission’s request to reclassify the park ranger to park superintendent and recommend an additional full-time position of coordinator. The board suggested that the Park Commission include funding for the staff changes in the budget in anticipation of the special Town Meeting that summer or fall, and then create the new position and reclassification in conjunction with the new personnel plan.

10. In or about November 1998, Town Meeting approved funding for the Parks Department staff changes. After filling the new recreation coordinator position, the town through its personnel board reclassified the park ranger position as park superintendent, with a salary of \$39,000. The Park Commission, with Doyle abstaining, promoted Mike into the reclassified position. Consequently, Mike received a significant raise and advanced to the first step on a new pay scale.

11. Section 19 of G.L. c. 268A prohibits a municipal employee from participating as such an employee in a particular matter in which, to her knowledge, an immediate family member has a financial interest.

12. The town’s decision to reclassify Mike’s park ranger position as park superintendent in late 1998 or early 1999 was a particular matter.^{1/}

13. Doyle participated^{2/} in that particular matter as a member of the Park Commission in early 1998 by recommending that the town implement the reclassification. Specifically, Doyle discussed the proposed reclassification on January 13 and 19, 1998, made the motion on the park superintendent position on January 19, 1998, and voted in favor of the motion on January 19, 1998.

14. As Doyle’s brother, Mike is a member of Doyle’s immediate family.^{3/}

15. Mike had a financial interest^{4/} in the particular matter because the new park superintendent position was essentially a reclassification of his park ranger position. If Mike were promoted to fill the park superintendent position, he would immediately receive a raise in salary and advance to a new pay scale.

16. At the time of her participation, Doyle knew that the park superintendent position was designed to reclassify Mike's park ranger position and increase his duties and compensation. Thus, Doyle knew that Mike had a financial interest in the particular matter in which she participated.

17. According to Doyle, however, when she so participated she did not view her brother as having a financial interest in the Park Commission's actions because no reclassification or raise could occur unless and until the personnel board reclassified the position and town meeting approved the funding. Moreover, Doyle was not thinking of her brother's interests when she so acted, but was concerned about doing what was best for the town. Nevertheless, Doyle's brother had a reasonably foreseeable financial interest in the Park Commission's actions, even at this early stage and even though the Park Commission's recommendation of the personnel changes was not the final determinative step in the reclassification process.

18. Accordingly, by participating in the particular matter concerning the reclassification of her brother Mike's position, in which Mike had a financial interest, Doyle violated §19.

In view of the foregoing violations of G.L. c. 268A by Doyle, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Doyle:

(1) that Doyle pay to the Commission the sum of five hundred dollars (\$500) as a civil penalty for violating §19; and

(2) that Doyle waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: August 24, 2000

^{1/}"Particular matter" means any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, finding, but excluding enactment of general legislation by the general court and petitions of cities, towns, counties and districts for special laws related to their governmental organizations, powers, duties, finances and property. G.L. c. 268A, §1(k).

^{2/}"Participate" means to participate in agency action or in a particular matter personally and substantially as a state, county or municipal employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise. G.L. c. 268A, §1(j).

^{3/}"Immediate family" means the employee and his spouse, and their parents, children, brothers and sisters. G.L. c. 268A, §1(e).

^{4/}"Financial interest" means any economic interest of a particular individual that is not shared with a substantial segment of the population of the municipality. See *Graham v. McGrail*, 370 Mass. 133 (1976). This definition has embraced private interests, no matter how small, which are direct, immediate or reasonably foreseeable. See *EC-COI-84-98*. The interest can be affected in either a positive or negative way. *EC-COI-84-96*.